

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

THERMOLIFE INTERNATIONAL LLC,
Plaintiff-Appellant

v.

HUMAN POWER OF N COMPANY, dba HumanN,
fka Neogenis Labs, Inc.,
Defendant-Appellee

2022-1316, 2022-1367

Appeals from the United States District Court for the
Western District of Texas in No. 6:21-cv-00144-ADA, Judge
Alan D. Albright.

ON MOTION

Before DYK, HUGHES, and STOLL, *Circuit Judges*.
DYK, *Circuit Judge*.

O R D E R

On December 21, 2021, the district court issued an order prohibiting ThermoLife International LLC from pursuing evaluation under Amazon’s Utility Patent Neutral Evaluation program “until further order of the court.”

ThermoLife appealed and filed a motion seeking to stay the restraining order pending appeal. On January 31, 2022, this court found that it had jurisdiction over the appeal but held ThermoLife's motion in abeyance until ThermoLife had first sought a stay pending appeal from the district court. On February 17, 2022, the district court granted ThermoLife's motion for a stay. The district court further indicated that, if it had jurisdiction to do so, it would grant Human Power of N Company's ("HumanN") motion to dissolve the restraining order. In light of the district court's February 17, 2022 order, HumanN moves to dismiss or remand for the district court to dissolve the restraining order. ThermoLife opposes the motion to dismiss or remand.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) ThermoLife's motion to stay is denied as moot.

(2) HumanN's motion is granted to the extent that these appeals are remanded to the district court to consider any motion to dissolve the restraining order. The court retains jurisdiction over these appeals.

(3) Within 14 days of the district court's resolution of the issues on limited remand, the parties are directed to inform this court as to how they believe these appeals should proceed.

FOR THE COURT

April 4, 2022
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court